

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DOCKET NO. 05-11547-RWZ

**LAUREN VARALLO,
Plaintiff,**

v.

**TOWN OF NANTUCKET POLICE
DEPARTMENT and JAMES SAMSON,
Defendants**

**DEFENDANT, TOWN OF NANTUCKET'S MOTION TO
RESCHEDULE TRIAL DATE**

The defendant, Town of Nantucket moves this Court to reschedule the trial in the captioned action presently scheduled for June 18, 2007.

As grounds therefor, the defendant states:

1. Four of the essential witnesses on behalf of the Town will be unavailable to appear in Boston for trial. Specifically, Det. Lt. Jerry Adams, Det. Gerard Mack and Sgt. Christine Ladner are all scheduled to appear in the Nantucket Superior Court as witnesses on a murder trial scheduled to commence the same time as the instant trial. (Commonwealth v. Thomas Toolan, III, 05-NACR-0001.) Additionally, the essential representative of the Town and its Police Department, Deputy Police Chief Charles Gibson is scheduled to be out of the country on a prescheduled and prepaid vacation from June 16, 2007 through June 26, 2007.
2. These above percipient witnesses are essential to the presentation of the defendant's case. Defendant's counsel, Douglas I. Louison was unaware of these conflicting obligations at the time he appeared before the Court on May 16, 2007 for the pretrial conference. The defendant further relies on the attached affidavit of Douglas I. Louison

CERTIFICATION PURSUANT TO L.R. 7.1 (A)(2)

The undersigned certifies that he has conferred with plaintiffs' counsel and attempted in good faith to resolve or narrow the issues presented in this motion.

Defendant, TOWN OF NANTUCKET
POLICE DEPARTMENT,
By its attorney,

/s/ Douglas I. Louison
Douglas I. Louison (BBO # 545191)
MERRICK, LOUISON & COSTELLO
67 Batterymarch Street
Boston, MA 02110
(617) 439-0305

CERTIFICATE OF SERVICE

I, Douglas I. Louison, hereby certify that on the 17th day of May, 2007, I served the foregoing by causing a copy to be directed to **Bradley Henry**, Meehan, Boyle, Black & Bogdanow, PC, Two Center Plaza, Suite 600, Boston, MA 02108 and **Philip Slotnick, Esquire**, Shocket & Dockser, LLP 6 Huron Drive, PO Box 2219, Natick, MA 01760.

/s/ Douglas I. Louison
Douglas I. Louison

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AFFIDAVIT OF DOUGLAS I. LOUISON

I, Douglas I. Louison, do hereby swear and depose the following:

1. I am an attorney in good standing licensed to practice law in the Commonwealth of Massachusetts and before the United States District Court in Massachusetts.
2. I am the counsel of record for the defendant in the captioned action.
3. I appeared before the United States District Court, Zobel, J. on a pretrial conference on May 16, 2007. At that conference, a June 18, 2007 trial date was set. Thereafter, that afternoon, I e-mailed my contact with the defendant, Town of Nantucket, Deputy Police Chief Charles Gibson advising him of the June 18, 2007 trial date. By e-mail correspondence received on May 17, 2007, Deputy Chief Gibson advised me that the three percipient witnesses, Lt. Det. Jerry Adams, Det. Gerald Mack and Sgt. Christine Ladner are all scheduled to appear as Commonwealth witnesses in a homicide trial scheduled to commence on June 4, 2007. That matter is Commonwealth v. Thomas Toolan, III, Nantucket Superior Court 05-NACR-0001.
4. Deputy Gibson further advised me that having conferred with the Assistant District Attorney handling the case, he has been informed that the trial judge, Honorable Richard Connan has advised that he anticipates that jury selection in the homicide trial will take approximately two weeks. As a result, the presentation of the evidence in the criminal trial would commence on or about June 18, 2007 conflicting with the trial scheduled in the instant matter.
5. The four witnesses are essential to the defendant Town's defense. Without Deputy Gibson and the other three witnesses, I will not be able to properly present the defendant's case.

Signed under the pains and penalties of perjury, this 17st day of May, 2007.

/s/ Douglas I. Louison

Douglas I. Louison